

REMARKS

This Amendment is being filed in response to the Office Action mailed August 10, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 1-6 are rejected under 35 U.S.C. §102(e) as allegedly unpatentable over U.S. Patent Application Publication No. 2004/0140757 (Tyan). Claims 1-15 and 18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,406,801 (Tokito) in view of U.S. Patent No. 6,888,305 (Weaver). Claims 16 and 17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Tokito in view of Weaver and U.S. Patent Publication No. 2001/0044035 (Morii).

It is respectfully submitted that claims 1, 3-4 and 6-18 are patentable over Tyan, Tokito, Weaver and Morii for at least the following reasons.

It is respectfully submitted that Tyan is not prior art to the present application. The present application was PCT filed on June

19, 2003, which published in English as WO 2004/004421 and designates the U.S., and claims the benefit of a European Patent Application filed on January 28, 2002, which is thus the effective filing date of the present application.

As the effective filing date of the present application of January 28, 2002 is before the Tyan U.S. filing date of January 17, 2003, Tyan is not available as prior art with regard to the present application under 35 U.S.C. §102(e).

On page 2 of the Office Action, the Office Action states that the foreign priority papers do not overcome the 102(e) rejection because a translation has not been made of record. In response, a certified copy of the translation and a statement certifying the translation are enclosed with this amendment. Accordingly, it is respectfully submitted that the 102(e) rejection of claims 1-6 is overcome and acknowledgement of such is respectfully requested.

With regard to the 103(a) rejections, Tokito is directed towards an electroluminescent element with a multilayer film mirror as shown in FIG 11. As shown in FIG 11, the multilayered film mirror consists of alternating TiO₂ and SiO₂ layers in Tokito.

Weaver is directed towards an electroluminescent element with

a quarter wave stack 220 as shown in FIG 3. The quarter wave stack of layers 220 in Weaver are not made from ZnS or SnO₂.

It is respectfully submitted that Tokito, Weaver and combinations thereof do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 4 which, amongst other patentable elements, requires (illustrative emphasis provided):

An electroluminescent device comprising ... a cathode electrode and $2n+1$ transparent dielectric layers directly on said cathode electrode ... which transparent dielectric layers alternately have a high refractive index of $n > 1.7$ and a low refractive index of $n < 1.7$... wherein the transparent layers having the high refractive index comprise a material selected from the group composed of ZnS and SnO₂.

Morii is introduced to reject dependent claims and do not cure the noted deficiencies in Tokito and Weaver.

Based on the foregoing, it is respectfully submitted that independent claims 1 and 4 are patentable over Tokito, Weaver, Morii and combinations thereof and notice to this effect is earnestly solicited. Claims 3 and 6-18 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

For example (illustrative emphasis added) "wherein the transparent layers having the low refractive index comprise MgF_2 " in claims 3 and 6; "wherein the second electrode comprises a first layer which borders on the electroluminescent layer and a second layer formed over the first layer, the first layer including an alkaline earth metal, and the second layer including copper" in claim 16; "wherein the alkaline earth metal is barium" in claim 17 are nowhere disclosed or suggested in Tokito, Weaver, Mori and combinations thereof.

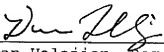
Furthermore, with regard to rejection of claim 18, Weaver shows multiple layers between the first electrode 342 and the substrate 310 in FIG 4, rather than (illustrative emphasis added) "only a single isolating layer situated between the substrate and the first electrode," as required by claim 18 of the present application. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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November 1, 2007

Enclosure: Certified Translation of EP 102 28 939.5

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